

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

BROOKLYN DISTILLING COMPANY LLC,

Plaintiff,

v.

BREUCKELEN DISTILLING COMPANY INC.  
and BRAD ESTABROOKE,

Defendants.

1:10-cv-4903 (NG)(RML)

**DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

**DEFENDANTS' STATEMENT OF MATERIAL FACTS**

In accordance with Local Rule 56.1, Defendants submit this Statement of Material Facts on Motion for Summary Judgment.

1. The bottle of Defendants' gin appears as it is pictured in their Opposition to Plaintiff's Motion for Preliminary Injunction.
2. Defendants do not use U.S. Trademark No. 3,832,757. *See* Sherinsky Decl. Ex. 7 at 2; Sherinsky Decl. Ex. 8 at 2; Sherinsky Decl. Ex. 3 at 170:1-18.

Dated: February 22, 2011

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